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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,452	02/20/2004	Fred Lawrence Heldoom	41660-P001US	7783
34725	7590	11/01/2006		
CHALKER FLORES, LLP 2711 LBJ FRWY Suite 1036 DALLAS, TX 75234				
			EXAMINER NGUYEN, PHU HOANG	
			ART UNIT 1731	PAPER NUMBER

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/783,452

**Applicant(s)**

HELDOORN, FRED LAWRENCE

**Examiner**

Phu H. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/20/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/20/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/03/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to because the following phrases in Fig.1 "1.Clip", "2.All plastic" and Fig.2 "1.Single piece / all plastic" were not in specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 58 (page 8, paragraph 33), 40 (See Figure 3B) (page 7, paragraph 30). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

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the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Détente needs to be disclosed in the specification without introducing new matter into the disclosure.

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: claim 10 ends with the phrase "WEDGING EFFECT" after a period. Appropriate correction is required. MPEP § 608.01(m) states that each claim begins with a capital letter and ends with a period.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6,11,12,14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Denney et al. (U.S Patent No. Re. 34953).

Regarding claims 1,2,11,12, Denney discloses a take out jaw assembly comprising of a takeout jaw and a non-metallic insert (line 4-26, column 5).

Furthermore, Denney discloses that hot glass processing equipment has been found desirable to utilized non-metallic material such as plastics (line 20-30, column 1).

Regarding claim 6, Denney discloses a take out jaw assembly comprising of a takeout jaw and an insert wherein the insert adapted to be inserted in a mating relation to retain immovably said insert with the pocket defined in the takeout jaw (line 4-26, column 5).

Regarding claim 14, Denney discloses forming a pocket in the body of the takeout jaw for receiving a separate insert (line 4-26, column 5).

Regarding claims 9,15, Denney discloses the maintenance of precise alignment of the takeout jaws and bottles to reduce damage to bottles and increase the life of the insert; the insert is held immovably within the pocket of the takeout holder (line 56-68, column 3).

Regarding claim 16, Denney also discloses alignment means for aligning the takeout jaw with a symmetrical takeout jaw as shown in Fig. 1 of Denney et al. (U.S Patent No. Re. 34953).

Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kume et al. (JP 04160065 A). Kume discloses a ceramic insert wherein the ceramic includes alumina and a releasing agent in the Abstract.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denney et al. (U.S Patent No. Re. 34953) as applied to claim 2 above, further in view of Sackinger et al. (U.S Patent No. 6202734). Denney discloses a takeout assembly comprising of a takeout jaw and a non-metallic contact material insert. However, Denney did not disclose the non-metallic material as ceramic. Sackinger discloses ceramic insert that is composed in part of alumina with high temperature chemical properties to handle molten metal (line 17-31, column 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the insert from ceramic composed in part of alumina for the high temperature property.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denney et al. (U.S Patent No. Re. 34953) and Sackinger et al. (U.S Patent No. 6202734) as applied to claim 3 above, further in view of Angel et al. (U.S Patent No. 4606960). The combination of Denney and Sackinger did not disclose a releasing agent is included in the composition of the ceramic. Angel discloses coating ceramic materials with a

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releasing agent to prevent sticking (line 54-58, column 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a releasing agent in the composition of the ceramic insert to prevent sticking of hot glass bottles that can lead to damage or unwanted marking.

Claims 7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denney et al. (U.S Patent No. Re. 34953) and Sackinger et al. (U.S Patent No. 6202734) as applied to claim 3 above. Denney also discloses means for holding the insert in engagement with the takeout jaw; means for holding comprising a spring clip for holding the insert within the pocket of the takeout jaw (line 4-51, column 5).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denney et al. (U.S Patent No. Re. 34953) as applied to claim 6 above, in view of Recker et al. (U.S Patent No. 6523768). Denney did not disclose wedging effect between the insert and the holder. Recker discloses the wedge-lock tool insert system that each insert cannot be removed from its pocket without first releasing the wedge lock of its holder (line 26-53, column 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wedging effect to lock the insert into the slot defined by the takeout jaw.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denney et al. (U.S Patent No. Re. 34953) as applied to claim 12 above, in view of Mohler et al. (U.S Patent No. 6805832). Mohler discloses a thermite torch cutting nozzle that is fabricated from a material selected from the group consisting of mineral/phenolic and high temperature plastic. Therefore it would have been obvious to one of ordinary skill

in the art at the time the invention was made to select mineral phenolic as a material to form a takeout jaw for the heat resistant property of the material.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al. (JP 04160065 A) as applied to claim 17 above, in view of Filges et al. (U.S Patent 6517597). Kume discloses a ceramic insert but did not disclose the ceramic is glazed. Filges discloses the surface of the ceramic composition has a coating with a very low porosity, in particular a glaze, a glazing for its protection (line 51-54, column 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the ceramic with a glaze.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lloyd et al. (U.S Patent No. 5741343) discloses a solution for the brittleness of graphite by providing pads composed of a relatively high strength ceramic and having tongue-in-groove and/or roughened glass-contact surfaces (line 46-49, column 2).

Nishikawa et al. (U.S Patent No. 4900807) discloses compositions that made up the material including a releasing agent, alumina and clay that have excellent high temperature strength (line 8-36, column 10).

Keel et al. (U.S Patent No. 4090881) discloses alumina as an important substance in the refractory trade. The ability to withstand very high temperatures without melting or softening, as well as chemical resistance to attack by basic



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chemicals, have made it an indispensable constituent in the solution to many refractory related problems (line 44-49, column 2).

Dressler (U.S Patent No. 1919322) discloses a process of glazing ceramic articles that improved the articles in appearance, increased in strength and capable of a prolonged commercial life (line 5-19, column 1).

Patschorke (U.S Patent No. 3341315) discloses the need for lubrication on the surfaces of the glass delivery system which contact the glass charge is avoided by providing such surfaces with a hard coating comprised principally of aluminum oxide (line 29-32, column 1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu H. Nguyen whose telephone number is 571-272-25931. The examiner can normally be reached on M-F.

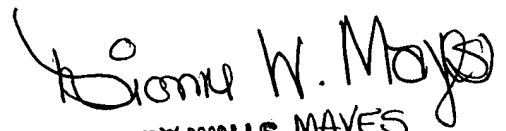
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P/N

10/25/2006

  
**DIONNE X. WALLS MAYES**  
**PRIMARY EXAMINER**